

FILED BY W.L. DC

05 JUL -6 PM 3:16

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TN, MEMPHIS

FRED PERRY VON HOFE,)
vs.)
Plaintiff,)
vs.) Civ. No. 05-2351-Ma/P
MEMPHIS LIGHT GAS & WATER,)
Defendant.)

SCHEDULING ORDER

Pursuant to written notice, a scheduling conference was set for July 7, 2005. Prior to the conference, Donald Donati and William Ryan, counsel for plaintiff, and Stephen Biller, counsel for defendant, submitted a joint proposed order which was approved by the Court. The following dates were established as the final dates for:

INITIAL DISCLOSURES PURSUANT TO Fed.R.Civ.P. 26(a)(1):
August 10, 2005

JOINING PARTIES:

Plaintiff - September 12, 2005
Defendant - September 30, 2005

AMENDING PLEADINGS:

Plaintiff - September 12, 2005
Defendant - September 30, 2005

INITIAL MOTIONS TO DISMISS: October 30, 2005

COMPLETING ALL DISCOVERY: March 30, 2006

(a) DOCUMENT PRODUCTION: March 30, 2006

(b) DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR ADMISSIONS: March 30, 2006

(c) EXPERT WITNESS DISCLOSURE (Rule 26):

(1) DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION: January 31, 2006

(2) DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION: February 28, 2006

(3) RULE 26(e) SUPPLEMENTATION: 60 days prior to trial

(4) EXPERT WITNESS DEPOSITIONS: March 30, 2006

FILING DISPOSITIVE MOTIONS: May 1, 2006

OTHER RELEVANT MATTERS:

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for a jury trial. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge. It is anticipated that the trial will last approximately three (3) days.

At present, the parties do not believe this case is ready for mediation or alternate dispute resolution. However, the parties would like to reserve the option of suggesting mediation to the court at a later date.

The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

At this time, the parties have not given consideration to whether they wish to consent to trial before the magistrate judge. The parties will file a written consent form with the court should they decide to proceed before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.



TU M. PHAM
United States Magistrate Judge

July 6, 2005
Date



Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 2:05-CV-02351 was distributed by fax, mail, or direct printing on July 12, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT